

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DUANE A. MCGORMAN,

Plaintiff,

Case No. 2:10-CV-3

v.

HON. GORDON J. QUIST

97th DISTRICT COURT,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has before it Plaintiff's Objections to the Report and Recommendation dated February 1, 2010, in which the Magistrate Judge recommended that Plaintiff's case be dismissed for failure to state a claim upon which relief may be granted. After conducting a *de novo* review, the Court concludes that the Report and Recommendation should be adopted and the case dismissed.

In his objection, Plaintiff merely restates his claim that Defendant should have accommodated Plaintiff's speech disability by allowing him to use a computer and voice activation software, which Plaintiff calls "the Dragon," to speak and understand complex conversations. In submitting objections, a "party shall file and serve written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections." W.D. Mich. LCivR 72.3(b). An objection which is not "clear enough to enable the district court to discern those issues that are dispositive and contentious," is insufficient to permit review of the magistrate's report. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Thus, "a general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed." *Id.* Here, Plaintiff merely

states that he objects to the Magistrate Judge's recommendation that the Court lacks subject matter jurisdiction. Plaintiff does not cite any case law to support his claim that a United States District Court can directly review the judgment of a state trial court, nor is there any case law. Therefore, Plaintiff has failed to state a claim upon which relief can be granted. Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (Docket #11) is **APPROVED AND ADOPTED** as the Opinion of this Court, and Plaintiff's complaint is **DISMISSED** for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that Plaintiff's motion to appoint counsel (included in Docket #1), Plaintiff's motion to vacate the state court's order to commit Plaintiff to a state psychiatric hospital (Docket #4), Plaintiff's motion to produce (Docket #5), Plaintiff's motion for the Court to pay for transcripts (Docket #6), Plaintiff's motion to expedite the previous motions (Docket #8), and Defendant's motion to dismiss (Docket #12) are **DISMISSED AS MOOT**.

This case is **concluded**.

Dated: March 22, 2010

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE